

ORDINANCE NO. 1

SERIES 2019

**AN ORDINANCE OF THE CRESTED BUTTE TOWN COUNCIL
DECLARING A TEMPORARY MORATORIUM ON DEMOLITION
AND THE PROCESSING AND APPROVAL OF APPLICATIONS
FOR DEMOLITION OF PERMANENT STRUCTURES WITHIN
THE TOWN OF CRESTED BUTTE PENDING AMENDMENT OF
THE MUNICIPAL CODE OF THE TOWN OF CRESTED BUTTE**

WHEREAS, the Town of Crested Butte, Colorado (the "Town") is a home rule municipality duly and regularly organized and validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

WHEREAS, pursuant to Article XX of the Colorado Constitution and the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town has the power to regulate the use of land within the community, and the authority to exercise its police powers to protect the health, safety, and welfare of the community and its citizens; and

WHEREAS, the Town is a historic district and portions of the Town are listed on the National Register of Historic Places ("NRHP"); and

WHEREAS, the NRHP established the period from 1880 to 1952 as the district's period of significance ("POS"); and

WHEREAS, the Town has initiated the process of examining appropriate regulatory tools and municipal code amendments to regulate *inter alia* historic structures, structures outside the POS; and demolition of such structures; and

WHEREAS, demolition of structures without appropriate criteria and standards can threaten the Town's historic, unique character and endanger the public health, welfare and the environment; and

WHEREAS, several structures within the Town are in jeopardy of being demolished; and

WHEREAS, the Town Council of the Town of Crested Butte finds that a temporary moratorium of nine (9) months duration is necessary for the Town to gather public input and continue discussion and analysis of appropriate measures to address these concerns before amending the Town Codes; and

WHEREAS, proper notice of the public hearing to consider this Ordinance has been accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1: Nine-month Moratorium Imposed. Upon the adoption of this Ordinance, a nine-month moratorium is imposed upon the demolition and processing and approval of applications for demolition of any permanent structure sited within the municipal boundaries of the Town of Crested Butte other than as may be necessary to comply with Sec. 7-2-210. - Dangerous and unsafe buildings.

Section 2. Exception to Moratorium. This Ordinance shall not apply to the demolition of any structure for which an application for a demolition permit has been deemed complete as of the effective date of this Ordinance.

Section 3. Severability. If any section, sentence, clause, phrase, word, or other provision of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words, or other provisions of this Ordinance, or the validity of this Ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 4. Authority. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to Article XX of Colorado Constitution and the Local Government Land Use Control Enabling Act (Article 20 of Title 29, C.R.S.).


Section 5. Emergency Declared, Effective Date, and Expiration. The Town Council finds, determines and declares that passage of this Ordinance is necessary for the immediate protection of the health, safety and welfare of the citizens of the Town of Crested Butte and of the environment because of the detrimental impact on the Town's historic and unique character resulting from the demolition of permanent structures without additional criteria and standards. The Town Council further determines that the adoption of this Ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Crested Butte. This Ordinance shall be effective upon adoption. The moratorium imposed by this Ordinance shall expire nine (9) months hereafter, at 12:00 am on October 8, 2019 unless repealed prior to that date or extended by action of the Town Council.

ADOPTED BY THE TOWN COUNCIL THIS 7th DAY OF January, 2019

TOWN OF CRESTED BUTTE, COLORADO

By 
James A. Schmidt, Mayor

ATTEST:


Lynelle Stanford, Town Clerk

